

**DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)  
COMBINED WITH POWER OF ATTORNEY**

☒ Declaration Submitted with Initial Filing      ☐ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number CM01523L

First Named Inventor SIVAKUMAR MUTHUSWAMY

Application Number \_\_\_\_\_

Filing Date \_\_\_\_\_

☒ Regular (Utility) Application      ☐ Design application

Group Art Unit  
Examiner Name \_\_\_\_\_

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FUEL CELL USING VARIABLE POROSITY GAS DIFFUSION MATERIAL**

the specification of which:

☒ is attached hereto

☐ was filed on: \_\_\_\_\_

as U.S. Serial No.: \_\_\_\_\_

and was amended on: \_\_\_\_\_

*(if applicable)*

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent or inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application Serial No.:	
Provisional Application Filing Date:	

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

☒ no such application(s) filed  
☐ such application(s) identified as follows:

Application No.	Filing Date (day, month, year)	Status (Patented, Pending, Abandoned)

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I hereby appoint the attorney(s) or agent(s) associated with: Customer Number 24273 to prosecute this application and transact all business in the patent and trademark office connected therewith. . \*24273\*

Address all telephone calls to:

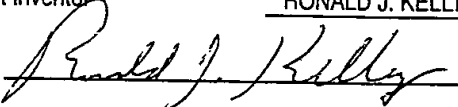
Andrew S. Fuller  
Telephone: 954-723-6449  
Facsimile: 954-723-3871

Address all correspondence to: Customer Number 24273

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first-named or sole inventor	<u>SIVAKUMAR MUTHUSWAMY</u>		
Inventor's signature	<u><i>Sivakumar Muthuswamy</i></u>	Date	<u>10/31/2001</u>
Residence	<u>PLANTATION</u>	<u>FLORIDA</u>	
	City	State or Foreign Country	
Citizenship	<u>INDIA</u>		
	Country		
Post Office Address	<u>9648 NW 7TH CIRCLE APT. #19-37</u>		
	Street Address		
	<u>PLANTATION</u>	<u>FLORIDA</u>	<u>33324</u>
	City	State or Country	Zip Code

Full name of second-named joint inventor	<u>STEVEN D. PRATT</u>		
Inventor's signature	<u><i>Steven D. Pratt</i></u>	Date	<u>10-31-2001</u>
Residence	<u>PLANTATION</u>	<u>FLORIDA</u>	
	City	State or Foreign Country	
Citizenship	<u>U.S.A.</u>		
	Country		
Post Office Address	<u>9718 NW 7TH CIRCLE APT. #9-23</u>		
	Street Address		
	<u>PLANTATION</u>	<u>FLORIDA</u>	<u>33324</u>
	City	State or Country	Zip Code

Full name of third-named joint inventor	RONALD J. KELLEY		
Inventor's signature		Date	10-31-01
Residence	CORAL SPRINGS	FLORIDA	
	City	State or Foreign Country	
Citizenship	U.S.A.		
	Country		
Post Office Address	8305 NW 36TH STREET		
	Street Address		
	CORAL SPRINGS	FLORIDA	33065
	City	State or Country	Zip Code

## ASSIGNMENT AND AGREEMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, we, **SIVAKUMAR MUTHUSWAMY, PLANTATION, FLORIDA; STEVEN D. PRATT, PLANTATION, FLORIDA; and RONALD J. KELLEY, CORAL SPRINGS, FLORIDA,** have sold, assigned and transferred, and do hereby sell, assign and transfer, unto MOTOROLA, INC., a corporation of the State of Delaware, having its principal office in Schaumburg, State of Illinois, United States of America, and its successors, assigns, and legal representatives, the entire right, title and interest for the United States of America in and to certain inventions relating to improvements in **FUEL CELL USING VARIABLE POROSITY GAS DIFFUSION MATERIAL** (Docket No. CM01523L), described, illustrated and claimed in an application for Letters Patent of the United States of America executed by us on the dates indicated by our signatures below, together with the entire right, title and interest in and to the application, and in and to Letters Patent which may be issued upon the application, and upon any division, extension, continuation or reissue thereof.

We hereby also sell, assign and transfer unto MOTOROLA, INC., the entire right, title and interest in and to the invention and in and to applications for Letters Patent therefor in all countries foreign to the United States of America, including all rights under any and all international conventions and treaties in respect of the invention and the applications for Letters Patent in foreign countries, and we further authorize MOTOROLA, INC. to apply for Letters Patent in foreign countries directly in its own name, and to claim priority of the filing date of the application for Letters Patent of the United States of America under the provisions of any and all international conventions and treaties.

We hereby authorize and request the Commissioner of Patents of the United States of America to issue Letters Patent upon the aforesaid application, division, extension, continuation or reissue, to MOTOROLA, INC., for the sole use and benefit of MOTOROLA, INC., its successors, assigns and legal representatives, to the full end of the term for which Letters Patent may be granted, the same as they would have been held and enjoyed by me had this assignment not been made, and we hereby authorize and request the equivalent authorities in foreign countries to issue the patents of their respective countries to MOTOROLA, INC.

We agree that, when requested, we will, without charge to MOTOROLA, INC., but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for the inventions in any and all countries and for vesting title thereto in MOTOROLA, INC., its successors, assigns and legal representatives or nominees.

We covenant with MOTOROLA, INC., its successors, assigns and legal representatives, that the interest and property hereby conveyed is free from all prior assignment, grant, mortgage, license or other encumbrance.

Sivakumar Muthuswamy  
SIVAKUMAR MUTHUSWAMY

DATE: 10/31/2001

STATE OF FLORIDA )  
COUNTY OF BROWARD ) ss:

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that SIVAKUMAR MUTHUSWAMY whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31 day of October, 2001.

My commission expires:



Maria E. Rodriguez  
Notary Public Signature

Maria E. Rodriguez  
Printed Name of Notary Public

Steven D. Pratt  
STEVEN D. PRATT

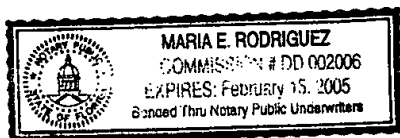
DATE: 10-31-2001

STATE OF FLORIDA )  
COUNTY OF BROWARD ) ss:

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that STEVEN D. PRATT whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31 day of October, 2001.

My commission expires:



Maria E. Rodriguez  
Notary Public Signature

Maria E. Rodriguez  
Printed Name of Notary Public

Ronald J. Kelley  
RONALD J. KELLEY

DATE: 10-31-01

STATE OF FLORIDA )  
COUNTY OF BROWARD ) ss:

The undersigned Notary Public in and for the County and State aforesaid, do hereby certify that RONALD J. KELLEY whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and notarial seal this 31 day of October, 2001.

My commission expires:

Maria E. Rodriguez  
Notary Public Signature

Maria E. Rodriguez  
Printed Name of Notary Public

